

Application No. 10/023,408
Reply to Office Action of August 19, 2004

C. REMARKS

Specification

Applicants have amended the specification above to include the application serial numbers of the related cross-references.

Status of the Claims

Claims 1-10, 12-19, 21-36 remain in the application. Claims 1, 6-9, 17-18, 26-27, 30, and 33 are presently amended. Claims 11 and 20 are cancelled.

Interview Summary

On November 3, 2004 at 2 PM EST, an interview was conducted via telephone between Amy Pattillo, Applicants' Representative, and Examiner Tran. No exhibits were shown, nor demonstrations conducted.

First, Applicants' representative and Examiner Tran discussed a proposed amendment to claim 1. The prior art cited against claim 1 under 35 USC 102(b) is Morikawa et al.(US Patent 5,943,405) (hereafter referred to as Morikawa). Applicants' representative proposed an amendment to claim 1 to distinguish claim 1 from Morikawa. Examiner Tran suggested that the amendment would require the Examiner to reconsider and reevaluate Morikawa in light of the amendment. No agreement was reached with respect to claim 1. Applicant is filing this response for further review by the Examiner

Second, Applicants' representative and Examiner Tran discussed a request for clarification of how Morikawa teaches the claim 3 element of "initiating authentication of said identity of said caller at said origin device." The Examiner cites col. 1, lines 61-64 and col. 11, lines 32-35 as teaching the element of claim 3. The Examiner clarified that any determination that a caller is authorized to use a service teaches authentication of the identity of the caller.

35 USC § 102(b)

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Claims 1, 3-4, 6, 8-10, 13-14, 17-19, 22-23, and 26-33 stand rejected under 35 U.S.C. §102(b) as being anticipated by Morikawa. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksmas*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Because Applicants have amended claims 1, 9, 18, 27, 30 and 33 to incorporate objected to claims, Morikawa does not teach each and every element of amended claims 1, 9, 18, 27, 30, and 33 or dependent claims 3-4, 6, 8, 10, 13-14, 17, 19, 22-23, 26, 28-29, and 31-32, these claims are not anticipated, the rejection should be withdrawn, and the claims should be allowed.

Claims 1, 9, and 18

With respect to claim 1, the Examiner cites Morikawa as teaching the method, system, and program of claims 1. Amended claim 1 currently reads:

1. **(Currently Amended)** A method for billing for telephone services, said method comprising:

receiving, at at least one service provider within a trusted telephone network, a request for service from an origin device associated with a line number to be billed according to a line subscriber billing plan;

authenticating an identity of a caller requesting said service from said origin device; [and]

accessing a caller billing plan according to said identity of said caller from at least one data storage system comprising at least one from among a data storage system within a trusted telephone network and a data storage system

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outside said trusted telephone network, wherein an additional level of security is required for accessing said data storage system outside said trusted telephone network;

replacing said line subscriber billing plan with [a] said caller billing plan associated with said caller, ~~wherein said caller billing plan is accessible according to said authenticated identity.~~

In the rejection to claim 1, the Examiner cites Morikawa as teaching the elements of “receiving, at at least one service provider within a trusted telephone network. A request for service from an origin device associated with a line number to be billed according to a line subscriber billing plan” and “authenticating an identity of a caller requesting said service from said origin device” at col. 3, lines 57-64 and col. 1, lines 61-64. [Office Action, p. 2] In addition, the Examiner cites Morikawa as teaching the element of “replacing said line subscriber billing plan with a caller billing plan associated with said caller, wherein said caller billing plan is accessible according to said authenticated identity” at col. 4, lines 18-50; col. 6, lines 37-47. [Office Action, p. 2]

In addition, in the response, the Examiner objected to claims 7, 11, and 20 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants note that dependent claim 7 is distinguishable from dependent claims 11 and 20. In particular, dependent claim 7 includes the elements of dependent claim 6 and “switching said call from said register associated with a first service provider within said intermediary device to a register associated with a second service provider within said intermediary device, wherein said second service provider provides said caller billing plan.” In contrast, claims 11 and 20, now cancelled, include the element of “accessing said caller billing plan from at least one data storage system comprising at least one from among a data storage system within a trusted telephone network and a data storage system outside said trusted telephone network, wherein an additional level of

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security is required for accessing said data storage system outside said trusted telephone network.”

Applicants note that independent claims 1, 9, and 18 are currently amended to incorporate the element of dependent claim 11, previously objected to by the Examiner, and respectfully request allowance of amended independent claims 1, 9, and 18.

Claims 3-4, 6, 8, 10, 13-14, 17, 19, 22-23, and 27

Claims 3-4, 6, 8, 10, 13-14, 17, 19, 22-23, and 27 are dependent on independent claims 1, 9, and 18 which are amended for allowance. Thus, Applicants first note that claims 3-4, 6, 8, 10, 13-14, 17, 19, 22-23, and 27 are dependent upon allowable independent claims and request allowance of these dependent claims. Second, Applicants note that whether claims 1, 9, and 18 are allowance, claims 3, 13, and 22 are not anticipated and should be allowed.

Claims 3, 13, and 22

In the rejection of claims 3, 13, and 22, the Examiner cites Morikawa as teaching the element of “billing for telephone services wherein authenticating an identity of a caller further comprises initiating authentication of said identity of said caller at said origin device” at col. 1 lines 61-64 and col. 11 lines 32-35. [Office Action, p. 2] Col. 1 lines 61-64 read: “When the terminal used by the subscriber receives the reception number (or reception announce) from the switcher, the subscriber dials a telephone number, a secret number or the like of the called person.” Col. 11 lines 32-34 read: “When the terminal 4 receives the reception sound, the secret number and the calling side telephone number are dialed (step S912).”

Applicants respectfully propose that the sections of Morikawa cited by the Examiner merely teach receiving a telephone number or other identifier for the person to be called, not identifying the identity of the caller at the origin device. Further, Applicants note that the sections of Morikawa cited by the Examiner teach that the switcher initiates the request for identifying information for the called party. Thus, the sections cited by the Examiner do not teach initiating authentication of the caller or initiating that authentication at the origin device.

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Therefore, because Morikawa does not teach or enable the elements of claim 3, 13, and 22, Applicants respectfully request allowance of claim 3, 13, and 22.

Claims 27, 30, and 33

In the rejection of claims 27, 30 and 33, the Examiner cites Morikawa as teaching the elements of “receiving a request for service from a caller utilizing a particular line number from among a plurality of line numbers” and “authenticating an identity of said caller” at col. 3 lines 57-64, col. 1 lines 61-64, and col. 5 lines 13-17. [Office Action, pp. 6, 7] In addition, the Examiner cites Morikawa as teaching the element of “accessing a billing plan for said caller according to said authenticated identity, wherein said billing plan follows said caller across a plurality of line numbers” at col. 4 lines 18-50 and col. 6 lines 37-47. [Office Action, pp. 6, 7]

Claim 27 currently reads:

27. **(Currently Amended)** A method for billing a caller for telephone services, comprising:

receiving, within a trusted telephone network, a request for service from a caller utilizing a particular line number from among a plurality of line numbers;

authenticating an identity of said caller; and

accessing a billing plan for said caller according to said authenticated identity from at least one data storage system comprising at least one from among a data storage system within said trusted telephone network and a data storage system outside said trusted telephone network, wherein an additional level of security is required for accessing said data storage system outside said trusted telephone network, wherein said billing plan follows said caller across a plurality of line numbers.

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Applicants note that the Examiner objects to dependent claim 7 which includes the element of "accessing said caller billing plan from at least one data storage system comprising at least one from among a data storage system within a trusted telephone network and a data storage system outside said trusted telephone network, wherein an additional level of security is required for accessing said data storage system outside said trusted telephone network." Applicants respectfully propose that the element of objected to dependent claim 7 is also not anticipated when included with the elements taught in claims 27, 30 and 33. Therefore, Applicants have amended independent claims 27, 30 and 33 to incorporate the element in objected to dependent claim 7 and Applicants respectfully request allowance of amended claims 27, 30, and 33 for the same reasons that amended claims 1, 9, and 18 are now allowable.

Claims 28-29 and 31-32

Claims 28-29 and 31-32 are dependent on independent claims 27, 30, and 22, which are amended for allowance. Thus, Applicants respectfully request allowance of dependent claims 28-29 and 31-32 as claims dependent upon allowable independent base claims.

35 USC § 102(a)

Claims 34-36 stand rejected under 35 U.S.C. §102(a) as being anticipated by Jain et al.(US Patent 6,282,274) (hereafter referred to as Jain). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). Furthermore the reference must be an enabling disclosure of each and every element as set forth in the claim. *In re Hoecksmas*, 158 USPQ 596, 600 (CCPA 1968); *In re LeGrive*, 133 USPQ 365, 372 (CCPA 1962). Because the Examiner does not show that Jain teaches each and every element of claims 34-36 or enables each and every element of these claims, these claims are not anticipated, the rejection should be withdrawn, and the claims should be allowed.

Claim 34

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Claim 34 currently reads:

34. (original) A method for controlling billing for a call, comprising:

receiving an authenticated caller identity and billing plan associated with said authenticated caller identity for a call, wherein said billing plan comprises a plurality of account providers for said authenticated caller identity;

monitoring said call for chargeable services utilized during said call; and

negotiating payment for said chargeable services from said at least one account provider according to said authenticated caller identity.

In rejecting claim 34, the Examiner cites Jain as teaching the elements of claim 34 at col. 4 line 7-col. 5 line 5 and col. 6 line 45-col. 7 line 13). [Office Action, p. 8] The Examiner notes that "the authenticate process is performed automatically using the predetermined or preset access line number to determine the caller." [Office Action, p. 8]

Applicants respectfully disagree with the Examiner's assertion that "the authenticate process is performed automatically using the predetermined or present access line number to determine the caller." The teaching of the present invention includes three parts: (1) authenticating (2) an identity (3) of a caller. Jain teaches two parts: (1) identifying (2) subscriber line number. (Col. 6 line 45-col. 7 line 13) The Examiner's assertion that identifying a subscriber line number is equivalent to authenticating an identity of a caller is not well founded. A caller using a telephone line is not always the same as a line number subscriber. Identifying a line number subscriber does not authenticate an identity of the caller for a call. As defined by Webster's Revised Unabridged Dictionary (copyright 1996), authenticate means "to render authentic; to give authority to, by the proof, attestation, or formalities required by law, or sufficient to entitle to credit" and "to prove authentic, to determine as real and true." Thus, authentication requires an additionally step of proof; merely identifying the line subscriber designated for a line number does not prove the identity of the person using that line number to Docket # AUS920010838US1

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place a call. Thus, Applicants respectfully asserts that Jain et al. does not teach the element of "receiving an authenticated caller identity and billing plan associated with said authenticated caller identity for a call" and therefore respectfully requests allowance of claim 34.

35 USC § 103(a)

Claims 2, 12, and 21

Claims 2, 12, and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morikawa in view of McAllister et al (US Patent Number 5,978,450). [Office Action, p. 8] Applicants respectfully assert that claims 1, 9 and 18 have been amended towards allowance and therefore, as dependent claims of allowable subject matter, claims 2, 12, and 21 should also be allowed.

Claims 5, 15-16, and 24-25

Claims 5, 15-16, and 24-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Morikawa in view of Nightingale et al. (US Patent Number 6,546,238). [Office Action, p. 9] Applicants respectfully assert that claims 1, 9 and 18 have been amended towards allowance and therefore, as dependent claims of allowable subject matter, claims 5, 15-16, and 24-25 should also be allowed.

Allowable Subject Matter

The Examiner objects to claims 7, 11, and 20 as being dependent upon a rejected base claims, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants note that claims 11 and 20 are rewritten into independent claims 1, 9, 18, 27, 30, and 33 and respectfully request allowance of these claims.

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Conclusion

In view of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

The Commissioner is hereby authorized to charge or credit Deposit Account No. 09-0447 for any fees required or overpaid.

Respectfully submitted,



ON 11/18/2004

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